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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   DEBRA CANADY,

10                          Petitioner,

11                          Case No. C18-1005-JCC-MAT

12                   v.

13                   TAMI JO AIKEN,

14                          Respondent.

15                          ORDER LIFTING STAY AND  
16                          DIRECTING RESPONDENT TO FILE  
17                          ANSWER TO § 2254 PETITION

18                   This is a federal habeas action brought under 28 U.S.C. § 2254. On October 17, 2018, this  
19                   Court issued an Order granting petitioner's request to stay and hold in abeyance her federal habeas  
20                   petition pending exhaustion in the state courts of her claims for federal habeas relief. (Dkt. 14.)  
21                   On March 21, 2019, this Court issued an Order directing petitioner to show cause why the stay  
22                   should not be lifted as it appeared her personal restraint proceedings had concluded in November  
23                   2018. (Dkt. 16.) Petitioner was advised that if she failed to timely respond to the Order to Show  
Cause, the stay would be lifted and a briefing schedule would be established. (*Id.*) Petitioner has  
not responded to the Order to Show Cause.

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26                   ORDER LIFTING STAY AND DIRECTING  
27                   RESPONDENT TO FILE ANSWER - 1

1 Accordingly, this Court ORDERS as follows:

2 (1) The stay in this matter is LIFTED.

3 (2) Not later than ***July 1, 2019***, respondent shall file and serve an answer to petitioner's  
4 federal habeas petition in accordance with Rule 5 of the Rules Governing Section 2254 Cases in  
5 United States District Courts. As part of such answer, respondent shall state whether petitioner  
6 has exhausted available state remedies and whether an evidentiary hearing is necessary.  
7 Respondent shall not file a dispositive motion in place of an answer without first showing cause  
8 as to why an answer is inadequate. Respondent shall file the answer with the Clerk of the Court  
9 and serve a copy of the answer on petitioner.

10 The answer will be treated in accordance with LCR 7(d)(3). Accordingly, on the face of  
11 the answer, respondent shall note it for consideration on the fourth Friday after filing. Petitioner  
12 may file and serve a response not later than the Monday immediately preceding the Friday  
13 designated for consideration of the matter, and respondent may file and serve a reply not later than  
14 the Friday designated for consideration of the matter.

15 (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for  
16 respondent, and to the Honorable John C. Coughenour.

17 DATED this 13th day of May, 2019.

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Mary Alice Theiler  
United States Magistrate Judge